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EXAMINER
SIEDLER, DOROTHY S

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/604,254	POURHAMID, AHMAD
	Examiner	Art Unit	
	Dorothy Sarah Siedler	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 September 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-42</u> is/are pending in the application.

    4a) Of the above claim(s) <u>1-22</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>23-42</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This action is in response to the amendment filled September 28, 2007. Claims 23-42 are pending, with claims 1-22 canceled.

Response to Arguments

Applicant's arguments filed September 28, 2007 have been fully considered but they are not persuasive.

Applicant argues that, "Applicant would argue that Amith (6,363,337) is not a proper reference as although it does mention human translators it is not a option of a function of the system as applied in Claims 23 and 42. This choice of translation is not offered in Aiytan (2002,0169592)"; However the examiner respectfully disagrees. **Flanagan** discloses a system for translation comprising a plurality of translation methods (column 6 lines 14-19, *typed text or spoken communications are translated*), where said translation methods include computer translation software for a plurality of languages (Abstract and column 6 lines 48-50, *application software is provided to translate, from a first language to one or more other languages, many types of communications*), and having the user access the system through an internet connection method (column 2 lines 23-27, *users communicate with an online system*), as disclosed in claim 23. **Flanagan** does not disclose where said translation methods include human translators or a rating system for the translators. However, **Amith** discloses a system for translating data into different human languages, and states that often times results from machine translation software needs to be checked for

recognition errors (column 1 lines 57-64). This information from *Amith* is used in combination with *Flanagan*, leading to the conclusion that it would have been obvious to use human translators as part of the system in *Flanagan*, since human translators would correct recognition errors which are common to machine translation software due to complexity and irregularities of human languages, as indicated in *Amith* (column 1 lines 55-64). In addition, *Aityan* discloses a system that automatically or manually selects online translation services based on the evaluation of that service for a particular theme or language ([0023] and [0024]). Therefore *Aityan* and *Flanagan* were combined to create the system, as claimed in claim 23, since it would enable the system to choose the highest quality translation for a particular communication, as indicated in *Aityan* (Abstract).

Claim Objections

Claims 34 and 38 are objected to because of the following informalities: Claim 34 recites, "which includes the step of having the system communicates", however this is considered a typographical error, and should read "communicate".

Claim 38 recites, "The process according to claim 14", however claim 14 has been canceled, therefore this is considered a typographical error. The examiner interprets this claim as, "The process according to claim 34", this interpretation used throughout the remainder of this office action.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 23-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Flanagan* (6,292,769) in view of *Amith* (6,363,337), and further in view of *Aityan* (2002/0169592).

As per claim 23, *Flanagan* discloses a process for translation on the internet comprising:

A plurality of translation methods (column 6 lines 14-19, *typed text or spoken communications are translated*) where said translation methods include computer translation software for a plurality of languages (Abstract and column 6 lines 48-50, *application software is provided to translate, from a first language to one or more other languages, many types of communications*), and having a user access the system through an Internet connection method (column 2 lines 23-27, *users communicate with an online system*).

Flanagan does not disclose human translators and having a rating system for said translators. *Amith* discloses a system for translating data into different human languages, and into different data formats, and states that often times results from the machine translation software need to be checked for recognition errors (column 1 lines 57-64).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use human translators in *Flanagan,* since the human translators would correct recognition errors which are common to machine translation software due to the complexity and irregularities of human languages, as indicated in *Amith* (column 1 lines 67-64).

In addition, *Aityan* discloses a system the automatically or manually selects online translation services based on the evaluation of that service for a particular theme or language ([0023] and [0024]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have a rating system for translators in *Flanagan*, since it would enable the system to choose the highest quality translation for a particular communication, as indicated in *Aityan* (Abstract).

As per claim 24, *Flanagan* in view of *Amith* and further in view of *Aityan* disclose the process of claim 23, and *Flanagan* further discloses having real-time transaction (column 7 lines 1-5, *real-time conference*).

As per claim 25, *Flanagan* in view of *Amith* and further in view of *Aityan* disclose the process of claim 23, however *Flanagan* does not disclose having a plurality of advertisements on the system web site. *Amith* discloses a system that translates data into different types of communication formats, including web pages (column 3 lines 38-

41). In addition, **Amith** discloses that it is important to advertise consumer goods in multiple languages, especially for electronic mediated commerce (column 1 lines 10-15).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have a plurality of advertisements on the system website in **Flanagan**, in order to provide services to consumers of many nationalities, as indicated in **Amith** (column 1 lines 10-18).

As per claim 26, **Flanagan** in view of **Amith** and further in view of **Aityan** disclose the process of claim 23, and **Flanagan** further discloses the steps of having an item translated (column 3 lines 60-63).

As per claim 27, **Flanagan** in view of **Amith** and further in view of **Aityan** disclose the process of claim 26, and **Flanagan** further discloses wherein said item is a document (column 2 lines 38-42, *textual data is translated*).

As per claim 28, **Flanagan** in view of **Amith** and further in view of **Aityan** disclose the process of claim 26, however **Flanagan** does not disclose wherein said item is a advertisement. **Amith** discloses a system that translates data into different types of communication formats, including web pages (column 3 lines 38-41). In addition, **Amith** discloses that it is important to advertise consumer goods in multiple languages, especially for electronic mediated commerce (column 1 lines 10-15).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to translate an advertisement in *Flanagan*, in order to provide services to consumers of many nationalities, as indicated in *Amith* (column 1 lines 10-18).

As per claim 29, *Flanagan* in view of *Amith* and further in view of *Aityan* disclose the process of claim 26, however *Flanagan* does not disclose wherein said item is a video. *Amith* discloses a system that translates data into different types of communication formats, including, for example, web pages, e-mail and voice data (column 3 lines 38-41). In addition, *Amith* discloses that video stream data is displayed through a web page (column 4 lines 55-56).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to translate a video in *Flanagan*, since it is an additional means to provide advertisements to consumers from many different nationalities.

As per claim 30, *Flanagan* in view of *Amith* and further in view of *Aityan* disclose the process of claim 26, and *Flanagan* further discloses wherein said item is an audio message (column 3 lines 60-63, *the audio input from a microphone is translated*).

As per claim 31, *Flanagan* in view of *Amith* and further in view of *Aityan* disclose the process of claim 26, and *Flanagan* further discloses wherein said item is an E-mail (column 6 lines 50-53).

As per claim 32, **Flanagan** in view of **Amith** and further in view of **Aityan** disclose the

process of claim 26, and **Flanagan** further discloses wherein said item is an E-mail and

said E-mail is forwarded to the recipient (column 6 lines 14-35 and lines 50-53, *e-mail*

communications are processed using the same services, i.e. a communication is sent

from a user to the processing system, then delivered to a participant)).

As per claim 33, **Flanagan** in view of **Amith** and further in view of **Aityan** disclose the

process of claim 26, and **Flanagan** further discloses wherein said item is a chat room

(column 2 lines 42-45, *machine translation for speech-to-speech online chat*).

As per claim 34, **Flanagan** in view of **Amith** and further in view of **Aityan** disclose the

process of claim 23, and **Flanagan** further discloses the step of having the system

communicates to the user using a communication method (column 4 lines 6-15, *the*

audio of the translated message is output through the microphone while the translated

text is displayed in the screen).

As per claim 35, **Flanagan** in view of **Amith** and further in view of **Aityan** disclose the

process of claim 34, and **Flanagan** further discloses wherein said communication

method is E-mail (column 6 lines 50-53, *An e-mail message is translated and delivered to a user, or communicated to the user*).

As per claim 36, *Flanagan* in view of *Amith* and further in view of *Aityan* disclose the process of claim 34, however *Flanagan* does not disclose wherein said communication is the telephone. *Amith* discloses a system that translates data into different types of communication formats, including, for example, web pages, e-mail and voice data (column 3 lines 38-41).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have the system communicate with the user through a telephone in *Flanagan*, since it would enable the system to translate voice messages, and provide them to the user though the phone, as well as enable the user to submit voice data through an automated service, and have the data sent through facsimile or e-mail, as indicated in *Amith* (column 2 lines 12-19).

As per claim 37, *Flanagan* in view of *Amith* and further in view of *Aityan* disclose the process of claim 34, and *Flanagan* further discloses wherein said communication method is a chat room (column 4 lines 6-15, *the audio of the translated message is output through the microphone while the translated text is displayed in the screen*).

As per claim 38, *Flanagan* in view of *Amith* and further in view of *Aityan* disclose the process of claim 34, and *Flanagan* further discloses wherein said communication method is a messenger system (column 4 lines 62-67).

As per claim 39, *Flanagan* in view of *Amith* and further in view of *Aityan* disclose the process of claim 23, however *Flanagan* does not disclose wherein said translation methods include professional and amateur translators. *Aityan* discloses a system the automatically or manually selects online translation services based on the evaluation of that service for a particular theme or language ([0023] and [0024]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have professional or amateur translators in *Flanagan*, since it would enable the system to choose the highest quality translation for a particular communication, as indicated in *Aityan* (Abstract).

As per claim 40, *Flanagan* in view of *Amith* and further in view of *Aityan* disclose the process of claim 23, and however *Flanagan* does not disclose the step of notifying the human translators when an item is available for translation. *Amith* discloses that often times results from machine translation software need to be checked for recognition errors (column 1 lines 57-64). In order for a human translator to perform the check, they would first need to be notified of which recognition result needs to be checked.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the step of notifying a human translator when an item in available for translation in *Flanagan*, in order to enable timely translation or quick review of a software translation.

As per claim 41, *Flanagan* in view of *Amith* and further in view of *Aityan* disclose the process of claim 23, and however *Flanagan* does not disclose the step of having the system point to another website. *Aityan* discloses a system that chooses translation engines from a list of online translation engines ([0023]. *Aityan* also discloses that different engines can be used for translation into different languages ([0023]).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have the system point to another website in *Flanagan*, since it would enable the system to choose a particular translation engine, which would provide the highest quality translation for a particular communication, as indicated in *Aityan* (Abstract).

As per claim 42, this claim recites limitations similar to those recites in claims 23, 25, 26, 39 and 40, and is therefore rejected for similar reasons.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Dorothy Sarah Siedler whose telephone number is 571-

270-1067. The examiner can normally be reached on Mon-Thur 9:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DSS

RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER